

Filed for intro on 02/10/97
SENATE BILL 985 By
Ford J

HOUSE BILL 730
By Robinson

AN ACT to amend Tennessee Code Annotated, Section 54-1-128,
relative to sand and gravel excavations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-1-128, is amended by deleting subsections (c) and (d) and substituting instead the following subsections:

(c)(1) No local or regional zoning and planning regulations relative to the area from which sand and gravel is obtained shall apply to road work construction projects for construction work performed under a contract entered into with the state of Tennessee; provided, that the sand and gravel excavation from which such material is obtained:

(A) is temporary, and the use of such excavation does not exceed the completion date of the state project;

(B) meets all storm water runoff requirements;

(C) meets the requirements of the Federal Clean Water Act and Federal Water Pollution Control Act;

(D) has a reclamation plan approved by the municipality or county in which the project is located; provided, that if a proposed reclamation plan is not approved within thirty (30) days after it is filed with the appropriate county or municipal officer by the operator of the sand and gravel excavation, then the operator may begin work pending plan approval;

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(E) is not located on a street or road currently operating below level of service "C", or is located on a street or road which would be reduced below such level of service by traffic generated by the sand and gravel operation; and

(F) in all other ways meets the requirements of the state contract governing the section of road where the sand and gravel is to be used.

(2) Such sand and gravel shall not be used for any other purpose.

(d) Local government may require surety that affected streets and roads will be restored to their original condition.

(e) Reclamation of the borrow pit or sand and gravel excavation shall be completed before final acceptance of the project.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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